

****E-filed 3/12/12****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,

No. C 10-5030 RS

Plaintiff,

v.

**ORDER DENYING MOTION FOR
RELIEF FROM CASE
MANAGEMENT SCHEDULING
ORDER**

RADIANCY INC.,

Defendant.

The record reflects that over the course of this litigation, and in connection with the current dispute, the parties have worked diligently and in good faith to reach mutually-agreeable solutions to scheduling issues, and to accommodate the legitimate interests of both sides. They are particularly to be commended for resolving as many of their differences as possible even when impasse was reached on other issues, as demonstrated by the stipulation they filed in connection with the present motion, which adjusted some dates.

At this juncture, Radiancy has not made a persuasive showing that the relief it seeks is necessary for the parties to have a reasonable and fair opportunity to complete trial preparation under the current schedule. Accordingly, its motion is denied. The parties, however, are encouraged to continue cooperating to make such further adjustments as may prove necessary. Tria, in particular, should make every effort to accommodate any reasonable requests for additional targeted discovery that may be fairly traced to its recent document productions. The denial of the

1 present motion also does not categorically preclude either party from seeking subsequent relief
2 should circumstances warrant it.

3 The parties are also advised that even though it is not appropriate to continue the trial date at
4 this time, it may turn out that some future adjustment may be necessary to accommodate the priority
5 the Court is obligated to give to certain criminal matters. Thus, while the parties should proceed on
6 the assumption that the trial will proceed as presently scheduled, they and their witnesses should be
7 aware that there is some potential it will be continued on the Court's own motion.

8
9 IT IS SO ORDERED.

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11 Dated: 3/9/12



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE